

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being file electronically and addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 29, 2007.

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David W. Gomes  
Reg. No. 27,640

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Noah J. Ternullo et al.	TC/A.U.:	2618
Appl. No.:	09/929,979	Examiner:	Tu X. Nguyen
Filed:	August 15, 2001	Confirmation No.:	2164
Title:	METHOD AND APPARATUS FOR DETERMINING THE CONTEXT OF A HANDHELD DEVICE		
Docket No.:	12078-141		
Customer No.:	26486		
Correction to Supplemental Notice of Allowability and on-line file wrapper			

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### **CORRECTION TO THE NOTICE OF ALLOWABILITY AND TO THE FILE WRAPPER**

Sir:

Both the Supplemental Notice of Allowability dated May 14, 2007 (NOA), and the on-line file wrapper, contain errors. This correspondence addresses these errors for which Applicants respectfully request correction.

## I. STATUS OF THE CLAIMS

Claims 1, 3, 4, 7-14, 17, 21, 22, and 24-47 have been allowed, as stated in the Supplemental Notice of Allowability of May 14, 2007.

## II. ERROR IN SUPPLEMENTAL NOTICE OF ALLOWABILITY

On page 7, the NOA states that "Claims 2, 5-6, 15-16 and 23 have been cancelled". The statement should read "Claims 2, 56, 15-16, 18, and 23 have been cancelled".

## III. ERROR IN FILE WRAPPER

In the on-line file wrapper, which can be found at:

[https://portal.uspto.gov/secure/myportal/!ut/p/kcxml/04\\_Sj9SPykssy0xPLMnMz0vM0Y\\_QjzKLN4gPNgXJgFg-ofqRqCLGpugijnABX4\\_83FT9IKBEpDIQxNDHVD8qJzU9MblSP1jfWz9AvyA3NDSi3NsRAGmFd0Q!/delta/base64xml/L0lJSk03dWIDU1lKS9vQXd3QUFNWWdBO0VJUWhDRUVJaEZLQSEvNEZH2RZbktKMEZSb1hmckNIZGgvN18wXzFMNS84L3NhLmdldEJpYg!!#7\\_0\\_1L5](https://portal.uspto.gov/secure/myportal/!ut/p/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLN4gPNgXJgFg-ofqRqCLGpugijnABX4_83FT9IKBEpDIQxNDHVD8qJzU9MblSP1jfWz9AvyA3NDSi3NsRAGmFd0Q!/delta/base64xml/L0lJSk03dWIDU1lKS9vQXd3QUFNWWdBO0VJUWhDRUVJaEZLQSEvNEZH2RZbktKMEZSb1hmckNIZGgvN18wXzFMNS84L3NhLmdldEJpYg!!#7_0_1L5), on page 3 of the "List of References cited by applicant and considered by examiner" of 9-30-2004, it is indicated that the Examiner has not considered five references:

- (1) Noah J. Ternullo et al., US Patent Application S/N: 09/930,421 filed 8/15/2001 entitled "METHOD AND APPARATUS FOR INFRARED DATA COMMUNICATION, (Attorney Docket Number: 12078-139).
- (2) Noah J. Ternullo et al., US Patent Application S/N: 09/930,004 filed 8/15/2001 entitled "METHOD AND APPARATUS FOR RELIABLE UNIDIRECTIONAL COMMUNICATION IN A DATA NETWORK, (Attorney Docket Number: 12078-140).
- (3) Noah J. Ternullo et al., US Patent Application S/N: 09/929,995 filed 8/15/2001 entitled "METHOD AND APPARATUS FOR DELIVERING SERVICES IN A CONSTRAINED ENVIRONMENT, (Attorney Docket Number: 12078-142).
- (4) Noah J. Ternullo et al., US Provisional Patent Application S/N: 60/225,349 filed 8/15/2000 entitled "INFOFLO: A COMMON INFRASTRUCTURE FOR PUSHING CONTEXT TO A MOBILE PDA.
- (5) John Cox, "WideRay Beams Data to Handhelds", Network World, May 27, 2002; pages 15 and 18.

However, the five references *were* considered by the Examiner as indicated by the attached Office Action mailed September 30, 2004 (OA), which shows, on page 5, an initialed copy of Applicants' filed PTO Form 1449. Page 5 of the OA clearly indicates that the Examiner has checked the appropriate boxes coinciding with the above-listed references and has considered the references. The problem arises in that the OA, and the on-line file wrapper, also contain a non-initialed copy of Applicants' filed PTO Form 1449, identical to the initialed copy on page 5, but without the Examiner's initials. See page 11 of the OA in which the non-initialed copy of Applicants' filed PTO Form 1449 can be found. This non-initialed page should be deleted from the official records, and a correct copy of Applicants' filed PTO Form 1449 that indicates that the Examiner has reviewed all the references and considered all the references should be placed in the on-line file wrapper. Also, all the references cited by the Applicants and considered by the Examiner should be noted on the file wrapper of the issued patent.

#### IV. CONCLUSION

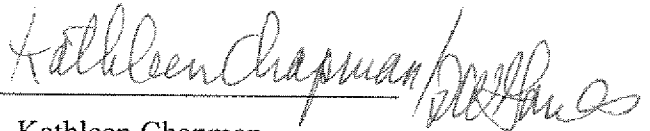
These corrections are submitted for clarification purposes, and no fees are anticipated. The Commissioner for Patents is authorized to charge any fee or deficiency or credit any overpayment of fees to Deposit Account No. 03-2410, Order No. 12078-141.

The following information is presented in the event that a call may be deemed desirable by the Examiner: KATHLEEN CHAPMAN (617) 345-3210

Respectfully submitted,  
Noah J. Ternullo et al., Applicants

Date: May 29, 2007

By:

A handwritten signature in cursive script, appearing to read "Kathleen Chapman", is written over a horizontal line.

Kathleen Chapman  
Reg. No. 46,094  
Attorney for Applicants